IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

AARON TREADWAY, *et al*.,

Plaintiffs,

v. CIVIL ACTION NO. 5:06-cv-00191

BGS CONSTRUCTION, INC.,

Defendant.

ORDER GRANTING APPROVAL OF FLSA SETTLEMENT

Before the Court is Plaintiffs' Motion for Approval of Settlement [Docket 175]. Plaintiffs seek an order pursuant to 29 U.S.C. § 216(b) granting final approval of the settlement of this collective action. Having reviewed and considered the motion and exhibits attached thereto, and having received no objections from collective action members to the settlement,

IT IS HEREBY ORDERED:

1. The stay imposed by the Court's Order of March 5, 2009, is **LIFTED**.
2. The federal Fair Labor Standards Act (FLSA) claims in this case are certified, pursuant to 29 U.S.C. § 216(b), for treatment as a collective action.
3. The proposed settlement as described in the motion for approval of settlement and exhibits attached thereto is **GRANTED** final approval as the Court finds that the proposed settlement is fair, reasonable, and adequate to the Plaintiffs, that the Plaintiffs have received proper notice of their rights, and that none have filed objections to the settlement.
4. Plaintiffs' counsel are **AWARDED** attorneys' fees and reimbursement of expenses and costs in the prosecution of this case in the sum of $90,000.00, to be divided as agreed.

5. The Court **FINDS** the attorneys' fee award, which is less than one-third of the total settlement amount, to be reasonable due to the work and effort of Plaintiffs' counsel and the results achieved in this settlement. This award encompasses all work performed and expenses incurred through the date of filing of the motion for approval of settlement, all work performed by counsel in connection with approval of the settlement by the Court, and all work and costs incurred by counsel thereafter, including without limitation fees and costs incurred by counsel in connection with the administration of the settlement and/or with any appeal of the Court's approval of the settlement.

6. All settling Plaintiffs and their heirs, successors, and assigns are permanently **ENJOINED** from pursuing and/or seeking to reopen claims that have been released by the settlement.

7. Defendant is **ORDERED** to make payments in the manner and according to the schedule agreed to in the settlement.

8. The above-styled action is hereby **DISMISSED** with prejudice.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to remove this matter from the Court's docket and to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 13, 2009

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE